

**MINUTES OF THE REGULAR MEETING OF THE
BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS
FOR FEBRUARY 1, 2006**

The Regular Meeting of the Council of Commissioners was called to order Wednesday, February 1, 2006 in the Council Chambers, Third Floor, Room 312, Courthouse Building, 155 West Granite Street, Butte, Montana by Chief Executive Paul Babb at 7:30 p.m.

ROLL CALL

9 present and 3 absent. Commissioners Sheehy, Frasz and Bury were excused.

PRAYER

Commissioners were led in prayer by Commissioner Fay.

**APPROVAL OF THE MINUTES OF THE
REGULAR MEETING OF JANUARY 18, 2006**

It was moved by Commissioner O’Leary, seconded by Commissioner Coleman and carried by a unanimous verbal vote to approve the Minutes of the Regular Meeting of January 18, 2006.

ITEMS NOT ADDRESSED ON THE AGENDA

Mary McMahon, Clerk and Recorder, informed the Commissioners that she would be having before them in two weeks a resolution which is mostly to clean up the language in the previous resolution.

PUBLIC COMMENT ON ANY PUBLIC MATTER

None

CHIEF EXECUTIVE’S REPORT

Chief Executive Babb reported on the \$500,000 Community Development Block Grant just received by Butte-Silver Bow. He also commented on the ceremony at the Belmont Mine Site for the lighting of the headframe which was made possible by Merdi and MSE.

There was a meeting set up today in which the 20 to 40 year-olds who were invited gave their ideas for a Business Plan for Butte-Silver Bow. A draft of the Business Plan will be done by the end of the month.

The Animal Shelter will be opened on February 7th. The Animal Shelter assistant has also been hired. There will be an open house in the near future.

An Ad Hoc Committee has been appointed for the Addictive Awareness Advisory Committee.

SECTION I

PUBLIC HEARING

FOR THE PURPOSE OF DISCUSSING THE APPLICATION FOR AND THE ALLOCATION OF THE FY 2006 JAG (JUSTICE ASSISTANCE GRANT) GRANT FUNDS FROM A THIRD PARTY, THE BUREAU OF JUSTICE ASSISTANCE. (Communication No. 06-18 being held in Committee of the Whole)
Proof of publication was noted and placed on file.

Sheriff John Walsh explained that the grant would be used for portable walkie talkies, an update of the analog video audio, computer hardware and other products to upgrade them.

Chief Executive Babb opened the public hearing at 7:35PM. There being no response on the call for proponents nor opponents, he called the public hearing closed at 7:36PM.

SECTION II

CONSENT AGENDA

- A.**
 - 1. COMMITTEE OF THE WHOLE MEETING REPORT
 - 2. FINANCE AND BUDGET COMMITTEE MEETING REPORT
 - 3. JUDICIARY COMMITTEE MEETING REPORT
 - 4. PUBLIC WORKS COMMITTEE MEETING REPORT
 - 5. RULES COMMITTEE MEETING REPORT
 - 6. PERSONNEL COMMITTEE MEETING REPORT

B.

COMMUNICATIONS

Before entertaining a motion for approval of the Consent Agenda, Chief Executive Babb called for any segregations. Commissioner O'Leary had two "friendly amendments". On page 1 under B, Item 1, the Communication number is 06-36 not 03-36 and also the recommendation is "schedule bid opening" rather than "schedule public hearing". On page 5, Section IV, Item 2, Council Resolution number should be 06-12 rather than 09-12.

Commissioner O’Leary then moved for adoption of the Consent Agenda, Section II-A, Items 1 through 6 and Section II-B, Items 1 through 31. The motion was seconded by Commissioner Coleman and carried with a unanimous verbal vote.

SECTION III COMMUNICATIONS TO BE READ AND ACTED UPON

1. 06-45 Rick Gelling, Shop Foreman, requesting permission to have a check issued to Diesel Depot for half-payment for 1993 Ford Pickup truck to be customized for use at the landfill.

In the absence of anyone from the Public Works Department, Commissioner O’Leary explained the request and answered questions about the amount of payment for a used truck. He explained it is not a usual pickup truck and will be remodeled to extend the frame. It is a specialized piece of equipment

It was then moved by Commissioner O’Leary, seconded by Commissioner Coleman and carried by a unanimous verbal vote to approve the request in Communication No. 06-45 and place on file.

2. 06-52 Paul Babb, Chief Executive, requesting Council adopt general procedures governing the Project Development Assistance Program.

It was moved by Commissioner O’Leary and seconded by Commissioner Mulcahy to approve the request in Communication No. 06-52.

On the question, Commissioner Sorich moved for an amendment to this document. Under No. 9 it should say that applicant shall be current on all their Butte-Silver Bow property taxes. The motion was seconded by Commissioner Kerns. On the question Commissioner Coleman said that is no way a reflection on the people of Bugs and Bullets and their issue coming up. This is for a separate issue entirely for future reference. The motion passes with a unanimous verbal vote.

The original motion then passed with a unanimous verbal vote.

3. 06-53 Paul Babb, Chief Executive, requesting concurrence in the approval of grant award of \$32,497.00 to Bugs N Bullets Sport Shop.

Chief Executive Babb called the commissioners attention to the packet that has been placed at each desk. He went through it quickly. We did check on their taxes. They are current on their taxes and they do have a current business license.

It was moved by Commissioner O’Leary, seconded by Commissioner Coleman and carried by a unanimous verbal vote to concur with the request in Communication No. 06-53 and grant the award of \$32,497.00 to Bugs and Bullets Sport Shop.

Clerk and Recorder asked if the intent was to place Communications No. 06-52 and 06-53 on file.

It was moved by Commissioner O’Leary, seconded by Commissioner Coleman and carried by a unanimous verbal vote to place Communications No. 06-52 and 06-53 on file.

SECTION IV

ORDINANCE AND RESOLUTIONS – REFERRED TO JUDICIARY

1. COUNCIL RESOLUTION NO. 06-9

A RESOLUTION VACATING, CLOSING, DISCONTINUING AND ABANDONING THE ALLEY ADJACENT TO LOTS 5 THROUGH 9 IN BLOCK 27 OF THE SOUTH PARK ADDITION WITHIN THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA; PRESCRIBING THE EFFECTIVE DATE OF THIS RESOLUTION AND FINDING THE NECESSARY FACTS HEREIN.

2. COUNCIL RESOLUTION NO. 06-12

A RESOLUTION AMENDING THE BUDGET DURING THE FISCAL YEAR AFTER CONDUCTING A PUBLIC HEARING AT A REGULARLY SCHEDULED MEETING OF THE COUNCIL OF COMMISSIONERS IN ACCORDANCE WITH SECTION 7-6-4006, MCA; APPROPRIATING UNANTICIPATED REVENUE TO THE BUTTE-SILVER BOW LAW ENFORCEMENT DEPARTMENT FROM THE MONTANA DEPARTMENT OF TRANSPORTATION TO BE EXPENDED IN THE GENERAL FUND AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

3. COUNCIL RESOLUTION NO. 06-13

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE FINAL PLAT OF THE BILL BROWN MINOR SUBDIVISION – SUMMARY

REVIEW OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA; PROVIDING FOR THE REPEAL OF ALL PARTS OF RESOLUTIONS IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

**SECTION V COUNCIL RESOLUTIONS & ORDINANCES -
 SUSPENSION OF THE RULES**

It was moved by Commissioner O’Leary, seconded by Commissioner Coleman and carried by a roll call vote of 9 yeas, 0 nays and 3 absent to suspend the rules for the purpose of passing Council Resolution No. 06-10 and Council Resolution No. 06-11 by waiving subsection 7 of Rule XXXVI of the Rules and Order of Business of the Council of Commissioners, thereby having them considered for advanced passage without reference to the Judiciary Committee.

1. COUNCIL RESOLUTION NO. 06-10

A RESOLUTION AUTHORIZING AND APPROVING THE SALE OF CERTAIN PARCELS OF TAX DEEDED REAL PROPERTY OWNED BY THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

It was moved by Commissioner O’Leary, seconded by Commissioner Coleman and carried by a roll call vote of 9 yeas, 0 nays and 3 absent to place Council Resolution No. 06-10 on final reading and passed having been deemed fully read at length.

2. COUNCIL RESOLUTION NO. 06-11

A RESOLUTION AUTHORIZING AND APPROVING THE SALE OF A PARCEL OF REAL PROPERTY DESCRIBED AS LOTS 6 AND 7 IN BLOCK 6 OF THE RAVEN ADDITION OWNED BY THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA TO THE ADJOINING OWNER PURSUANT TO POLICIES ADOPTED BY THE COUNCIL OF COMMISSIONERS AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

It was moved by Commissioner O’Leary, seconded by Commissioner Coleman and carried by a roll call vote of 9 yeas, 0 nays and 3 absent to place Council Resolution No. 06-11 on final reading and passed having been deemed fully read at length.

It was moved by Commissioner O’Leary, seconded by Commissioner Coleman and carried by a unanimous verbal vote to place Council Resolution No. 06-10 and Council Resolution No. 06-11 on file.

ADJOURN

There being no further business to come before the Council, it was moved by Commissioner O'Leary, seconded by Commissioner Coleman and carried by a unanimous verbal vote to Rise to the Call of the Chair. The meeting adjourned at 7:57 PM.

CHIEF EXECUTIVE

ATTEST:

CLERK AND RECORDER